

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

KAYE STONE,

Charging Party,

-v-

HELENA SCHOOL DISTRICT #1,

Respondent.

Case # 0071012229

ORDER

Kaye Stone (Stone) filed a complaint with the Department of Labor and Industry (Department) alleging that Helena School District #1 (Helena School) discriminated against her on the basis of her age and gender. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Stone's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Stone filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 18, 2007.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Chap. 28, L. 2007, New Section 6(2)*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

A party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Chap. 28, L. 2007, New Section 6(3); Mont. Code Ann. § 2-4-702*.

Alternatively, if a charging party chooses to commence a civil action, charging party has 90 days after the receipt of this order to petition a district court, in the district where the alleged violation occurred, for the appropriate relief. *Chap. 28, L. 2007, New*

Section 6(3). If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Kaye Stone's objections are **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Helena School District #1.

DATED this ____ day of September, 2007.

Acting Chair Allen Secher
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this _____ day of September, 2007.

KAYE STONE
815 NORTH BENTON APARTMENT 1
HELENA MT 59601

BILL RASOR
HELENA SCHOOL DISTRICT #1
55 SOUTH RODNEY
HELENA MT 59601

JEFFREY HINDOIEN
MONTANA SCHOOL BOARD ASSOCIATION
1 SOUTH MONTANA AVENUE
HELENA MT 59601

Montana Human Rights Bureau